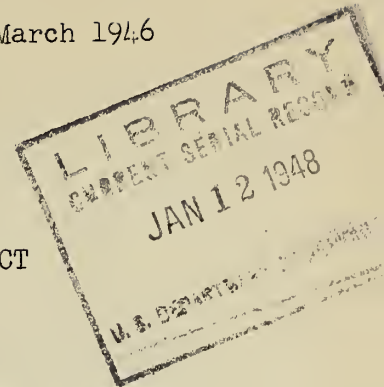


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UNITED STATES DEPARTMENT OF AGRICULTURE
PRODUCTION AND MARKETING ADMINISTRATION
GRAIN BRANCH
Washington 25, D. C.



PROSECUTIONS AND SEIZURES UNDER THE FEDERAL SEED ACT

(July 1, 1945, to December 31, 1945 (111-118))

111. False labeling of lespedeza seed. U. S. v. 5 bags of lespedeza seed. Seed seized and ordered delivered to a charitable institution. (F. S. 414.)

T. W. Wood & Sons, Richmond, Va., delivered on January 18, 1944, for transportation in interstate commerce from Richmond, Va., to Tuscaloosa, Ala., 15 bags of lespedeza seed.

A libel was filed in the United States District Court for the Northern District of Alabama praying seizure of this seed and alleging same to be falsely labeled and to contain noxious-weed seeds in excess of that permitted by the State into which the seed was shipped in violation of the Federal Seed Act.

Labels attached to the bags represented the seed to contain, in part, 50 dodder, 800 buckhorn plantain, and 1,300 plantain per pound; whereas, a sample representing the seed was found to contain horsenettle and dodder seeds at the rate of 183 and 15 per pound, respectively, and was found to contain narrow-leaved or buckhorn plantain seeds and bracted plantain seeds at the rate of 527 and 440 per pound, respectively. Horsenettle seeds and dodder seeds are considered primary noxious-weed seeds and narrow-leaved or buckhorn plantain seeds and bracted plantain seeds are considered secondary noxious-weed seeds in the State of Alabama. The seed was not correctly labeled to show the name and number of horsenettle seeds present per pound. The number of primary and secondary noxious-weed seeds exceeded the number allowed under the law and regulations of the State of Alabama and, therefore, exceeded the rate of occurrence permitted in seed shipped into that State. The Department of Agriculture recommended the seed by recleaned.

On June 23, 1944, no claimant having appeared, the court ordered the seed delivered to a charitable institution.

112. False and incomplete labeling of vegetable seeds. U. S. v. 9 display cases of vegetable seeds. Seed seized and ordered destroyed. (F. S. 417.)

Lake Shore Seed Company, Dunkirk, N. Y., transported or delivered for transportation in interstate commerce in January and February 1944 to its distributing point in Philadelphia, Pa., 9 display cases of vegetable seeds and thence delivered them to seven dealers in Delaware.

A libel was filed in the United States District Court of Delaware praying seizure of 724 packets of said vegetable seeds and alleging same to be falsely and incompletely labeled in violation of the Federal Seed Act.

Said packets of seed were found to be below the standards provided in the regulations under the Federal Seed Act. Many of the packets of seed germinated as low as 1, 2, and 3 percent, and 3 varieties of onion showed no germination. The packets did not show the percentage of germination, the month and year the germination test was completed, and the words "Below Standard" as required under section 201 (b) of the act for vegetable seed which is below standard in germination.

On May 29, 1944, no claimant having appeared, the court ordered that the seed be destroyed.

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113. False labeling of soybean seed. U. S. v. Dobson-Hicks Company, Nashville, Tenn. Plea of nolo contendere. Fine, \$.01. (F. S. 421.)

Dobson-Hicks Company, Nashville, Tenn., on February 3, 1943, delivered for transportation in interstate commerce from Nashville, Tenn., to Huntsville, Ala., 130 bags of soybean seed.

Information was filed in the United States District Court at Nashville, Tenn., alleging that Dobson-Hicks Company delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act. An indictment was returned during the April 1945 term of the Grand Jury at Nashville, Tenn.

Labels attached to the bags of soybean seed represented the seed to have a germination of 90 percent; whereas, a sample representing 50 bags of the seed showed a germination of 70 percent in May 1943. An investigation revealed that the germination of 90 percent given on the labels was not supported by the records of the firm.

On October 23, 1945, the Dobson-Hicks Company entered a plea of nolo contendere and the court found the defendant guilty and imposed a fine of \$.01.

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114. False and incomplete labeling of vegetable seed. U. S. v. Lake Shore Seed Company, Dunkirk, N. Y. Plea of guilty. Fine, \$1,000. (F. S. 423.)

Lake Shore Seed Company, Dunkirk, N. Y., transported or delivered for transportation in interstate commerce in January and February 1944 to its distributing point in Philadelphia, Pa., 1200 display cases of vegetable seeds and thence delivered a number of display cases to seven dealers in Delaware.

Information was filed in the United States District Court for the Western District of New York alleging that the Lake Shore Seed Company unlawfully delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

One hundred eighteen samples representing vegetable seeds shipped into Delaware were found to be below the standards for germination provided for under the Federal Seed Act and the labeling failed to show the germination percentage, the date of the germination test and the words "Below Standard."

On July 24, 1945, David S. Wright, Jr., doing business as the Lake Shore Seed Company, Dunkirk, N. Y., pleaded guilty and the court imposed a fine of \$1,000.

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115. False labeling of red clover, sudan grass, and sorghum seed. U. S. v. Springfield Seed Co., Springfield, Mo. Plea of guilty. Fine \$25 on each of five counts, and costs. (F. S. 425.)

Springfield Seed Company, Springfield, Mo., in January, March, and May 1944, delivered for transportation in interstate commerce from Springfield, Mo., to six different dealers in Arkansas, a total of 4 bags of red clover seed, 388 bags of sudan grass seed, and 5 bags of sorghum seed.

Information was filed in the District Court of the United States for the Western District of Missouri alleging that the Springfield Seed Co. did unlawfully deliver for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act. The violations were as follows:

1. The 4 bags of red clover seed were labeled, in part, to show "Noxious-weeds per lb. * * * - buckhorn 180 * * *"; whereas two samples representing two deliveries of the seed were found to contain buckhorn seeds at the rates of 963 and 1,107 per pound.

2. The 388 bags of sudan grass seed shipped to three different dealers were labeled to show "Noxious weeds per lb. none;" whereas, samples representing the seed were found to contain Johnson grass seed at the rates of 24, 21, and 21 per pound. Sudan grass seed containing from 2 to 25 Johnson grass seeds per pound is prohibited from sale in the State of Arkansas unless the label shows in large type the words "Excessive Noxious Weeds." The shipment of such seeds into that State unless so labeled is therefore prohibited under the Federal Seed Act.

3. The 5 bags of sorghum seed were labeled to show "Germ. 80%"; whereas, a sample representing the seed when tested in June 1944 showed a germination of 33 percent. In addition the seed was not labeled to show the date of the germination test.

On July 19, 1945, the Springfield Seed Company entered a plea of guilty and the court imposed a fine of \$25 on each five counts with costs.

116. False labeling of oat seed. U. S. v. Seaboard Seed Co., Philadelphia, Pa. Plea of nolo contendere. Fine \$150. (F. S. 431.)

Seaboard Seed Company on Aug. 29, 1944, delivered for transportation in interstate commerce from Philadelphia, Pa., to Clayton, Del., 17 bags of oat seed.

Information was filed in the District Court of the United States at Philadelphia, Pa., alleging that the Seaboard Seed Company delivered for transportation in interstate commerce the above-mentioned shipment of seed in violation of the Federal Seed Act.

Labels attached to the 17 bags of oat seed did not show the presence of noxious-weed seeds, whereas, a sample representing the seed was found to contain wild onion bulblets at the rate of 251 per pound. In addition, the label failed to show a lot number as required by the act.

On Nov. 20, 1945, the defendants entered a plea of nolo contendere and the court imposed fines totaling \$150.

117. False labeling of red clover, sweetclover, and bromegrass seed. U. S. v. M. G. Stoller, Paulding, Ohio. Plea of guilty. Fine \$100 and \$25 costs. (F. S. 433.)

M. G. Stoller, Paulding, Ohio, in December 1943, February, March, and April 1944, transported or delivered for transportation in interstate commerce from Paulding, Ohio, to dealers in Indiana and Illinois 6 shipments of red clover seed totaling 170 bags, 3 shipments of sweetclover seed totaling 59 bags, and 1 shipment of 1 bag of bromegrass seed.

Information was filed in the United States District Court at Toledo, Ohio, alleging that M. G. Stoiler had unlawfully transport in interstate commerce the following described seed in violation of the Federal Seed Act:

<u>Destination</u> <u>Kind & amount</u> <u>of shipment</u>	<u>Date of</u> <u>shipment</u>	<u>Labeled</u>	<u>Found</u>
Remington, Ind. Red clover 100 bu. bags	12/21/43	Pure seed 98.00% Weed seed 00.30% "Noxious weeds Pct."	95.90% 1.47% 108 Black seed plantain per lb. 63. Buckhorn " " " 9 Curled dock " " 18 Bracted " " " 9 Quack grass " "
Remington, Ind. Sweetclover 50 bags	12/21/43	"Noxious weeds Pct."	108 Field peppergrass " " 72 Curled dock " " 9 Wild mustard " "
Oxford, Ind. Sweetclover 8 bags	2/22/44	Germination 90% "Noxious weeds Pct."	39% with 4% hard seed 4/44 626 Wild mustard per lb. 317 Curled dock " " 18 Field peppergrass " " 9 Dodder " "
		Also advertised to be "White Blossom" or "Big White Type" purity "99.25" and "free of noxious weeds."	Contained 31% Yellow Blossom Sweetclover and noxious weeds described above.
Oxford, Ind. Bromegrass 1 bag	2/22/44		Failed to show percentages of pure seed, inert matter, weed seed, crop seed and germination
*Chenoa, Ill. Red Clover 5 bags	2/22/44	"Crop 1120 Sweet Pct - Noxious weeds Planton Pct"	10.31% crop seed including 3.88% sweetclover 2 Canada thistle per oz. 13 Curled dock " " 18 Buckhorn Plantain " "

<u>Destination</u> <u>Kind & Amount</u> <u>of shipment</u>	<u>Date of</u> <u>shipment</u>	<u>Labeled</u>	<u>Found</u>
*Gilman, Ill. Red Clover 10 bags	2/29/44	"Weed seed 00.60 Pct.-Inert 00.40 Pct.- Crop Sweet 980 Pct - Noxious weeds - Pct."	1.81% Weed seed 0.90% Inert matter 9.74% Crop seed including 3.29% sweetclover 5 Canada thistle per oz. 17 Curled dock " " 11 Buckhorn plantain " " 1 Sow thistle " "
Gridley, Ill Red Clover 30 bushels	2/22/44	"Pure seed 99.00 Pct. Weed Seed .40 Pct.- Inert .20 Pct. Noxious weeds - Pct."	95.29% 1.71% 2.13% 6 Curled dock per oz 9 Buckhorn plantain " " 2 Wild carrot " " 2 Wild mustard " "
Gridley, Ill. Red Clover 40 bushels	4/6/44	"Pure seed 99.00 Pct. Weed seed 00.30 Pct. Inert 00.40 Pct. Crop 00.30 Pct. Noxious weeds - Pct."	94.89% 1.51% 1.18% 2.42% 9 Curled dock per oz 1 buckhorn plantain " "
* Gridley, Ill. Red Clover 10 bushels	4/8/44	"Pure Seed 99.10 Pct.- Crop .32 Pct. - Noxious Weeds - Pct."	97.32% 1.99% 32 Buckhorn plantain per oz. 4 Curled dock " "
* Edgerton, Ind. Sweetclover 1 bag	3/25/44	"Pure seed 99.50 Pct. Crop 00.10 Pct.- Germination 80 Pct.- Hard seed 09 Pct.- Noxious weeds Pct."	98.42% 0.78% 57% 6 % 4/44 180 Curled dock per lb 70 Field peppergrass " " 54 Wild mustard " " 9 Buckhorn plantain " " 9 Bitter Winter cress " " 18 Black seeded plantain

* The sale of this seed was prohibited in the State of Illinois because of the presence of noxious-weed seeds as described and therefore the transportation or delivery for transportation in interstate commerce was prohibited by the Federal Seed Act.

On Aug. 30, 1945, the defendant entered a plea of guilty and the court imposed a fine of \$100 and \$25 costs.

118. False labeling of soybean seed. U. S. v. The Ackerman Company, Inc., Lima, Ohio. Plea of guilty. Fine \$100 and \$25 costs. (F. S. 435.)

The Ackerman Company, Inc., Lima, Ohio, on March 30, 1944, delivered for transportation in interstate commerce from Lima, Ohio, to Winchester, Va., 345 bags of soybean seed and on April 20, 1944, delivered for transportation in interstate commerce from Lima, Ohio, to Dublin, Virginia, 400 bags of soybean seed.

Information was filed in the District Court of the United States at Toledo, Ohio, alleging that the Ackerman Company, Inc., Lima, Ohio, delivered for transportation in interstate commerce the above-mentioned shipments of seed in violation of the Federal Seed Act.

Labels attached to 284 bags of the soybean seed shipped on March 30, 1944, represented the seed, in part, to have a germination of 85 percent; where a sample representing the seed was found to germinate 56 percent in May 1944. Labels attached to 61 bags of the soybean seed shipped on March 30, 1944, bore, in part, the statements "Kingwa * * * Germ. 85% - Virginia * * * Germ. 85% yellow Germ. 85%"; whereas, a sample representing the seed when tested in May 1944 showed a germination of 43 percent.

Labels attached to the 400 bags of soybean seed shipped on April 20, 1944, bore, in part, the statements "Kingwa type soybean - Purity 94.00%; Germ.; 85%"; whereas, a sample representing the seed was found to be 91 percent Wilson variety, 6 percent Virginia variety and 3 percent Illini variety, and in May 1944, was found to germinate 56 percent with 1 percent hard seed remaining.

On September 5, 1945, the defendant entered a plea of guilty and was fined \$100 and \$25 costs.

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